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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,292	03/01/2002	Kristopher W. Gerulski	29252/3334	3108
7590	06/09/2004			
Kristin L. Chapman, Esq. S.C. Johnson Home Storage, Inc. 1525 Howe Street Racine, WI 53403-2236			EXAMINER ALIE, GHASSEM	
			ART UNIT 3724	PAPER NUMBER

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,292

Applicant(s)

GERULSKI, KRISTOPHER W.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) 1, 2, 5, 6, 8-26 and 28-30 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3, 4, 7, and 27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. This is an RCE and the restriction requirements mailed on 05/30/03 stands and it is maintained.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3, 4, 7, and 27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 1 and 27, the disclosure fails to teach that a reinforcement layer is attached to a surface of the base which the cutter bar is attached. The reinforcement layer is attached to the front base flap which is not attached to the cutting bar. The elected species I (Fig. 1-5, 14) also indicates that the reinforcement layer 46 is attached to the front base panel 44 not the surface of the base that the cutter bar is attached. See Fig. 3 of the application. The cutter bar is attached to the trunk in Fig. 3 of the elected species (1-5, and 14) and the reinforcement layer is not attached to the surface of the trunk which the cutter bar is attached. The reference number 26 is assigned as a base or a trunk in the specification. See page 5, line 21 of the specification. Should "a surface of the base" read --a surface of the trunk--?

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1, 3, 4, 7, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claims 1 and 27, it is not clear what one additional reinforcement layer means, since there is only one reinforcement layer set forth in the independent claims 1 and 27. It is also not clear what how the reinforcement layer is attached to the cutter, since the base of the cutter bar is only attached to the trunk not the reinforcement layer. See Fig. 3 of the elected species (Fig. 1-5 and 14). It is suggested that "a surface of the base to which the cutter bar is attached including at least one additional reinforcement layer" reads --a surface of the trunk includes one reinforcement layer--. This would encompass the elected species I (Figs. 1-5, and 14).

This is a new matter rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

7. Claims 1, 3, 4, 7, and 27, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin. Regarding claims 1, Perrin teaches a warp dispenser 10 including a trunk 14, 16, 18 defined by the rear wall 14, bottom wall 16, and front wall 18 and a lid 12 hinged to the trunk 14, 16, 18. Perrin also teaches a cutter bar 18 having a base (defined by the main body of the saw-toothed metal 28) and a plurality of teeth extend from the base. Perrin also discloses that each tooth terminating on first and second sides at a valley

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proximate the base, the base is attached to the trunk 14, 16, 18, and each valley is inherently spaced away from the trunk 14, 16, 18 to which the base is attached by a predetermined registration zone. Each valley of the cutter bar 28 is spaced away from the bottom wall 16 of the trunk 14, 16, 18 by a predetermined registration zone. The registration zone is defined in the specification by the applicant as the distance between the valleys and the bottom edge of the tear flap. The valleys of the cutter bar 28 are spaced by a predetermined distance from the bottom edge of the tear flap 25 as shown in Figs. 7 and 8. Perrin also teaches a reinforcement layer 40 which is attached to the surface of the trunk 14, 16, 18 and the cutter bar 28 is attached to the trunk or base surface. See Figs. 1-8 and col. 3, lines 31-68 and col.4, lines 1-61 in Perrin. The trunk and base surface is defined by the surfaces of flaps 14, 16, and 18. Perrin's reinforcement layer and the cutting bar are attached to the trunk or base in the same manner as the reinforcement layer and the cutting bar are attached to the trunk or base of the instant application. See Fig. 3 of the elected species (Figs. 1-5, and 14) and Fig. 6 in Perrin. Perrin does not expressly teach that the registration zone has a dimension within the range of a range of 0.01 to 0.05 inches. However, it appears that width of the registration zone defined by the distance of valley of the cutter bar 28 from the bottom edge of the tear flap 25 is approximately 0.03125 inches which is within the range of 0.01 to 0.05. See Figs. 6-8 in Perrin. The width of the registration zone in Fig. 6 in Perrin appears to be the same as the width of the registration zone in Fig. 2 of the applicant's drawings. In addition, it would have been obvious to a person of ordinary skill in the art to provide Perrin's cutter bar with a registration zoon that is sufficient enough of or in the range of 0.01 to 0.05 inches in order to create a sufficient cutting edge for the dispenser to cut wraps and reduce the chance of

inadvertent contact of the user's hand with cutting edge of the cutter bar.

Regarding claim 3, Perrin teaches everything noted above including that the registration zone has a width of approximately 0.03125 inches. See Figs. 1 and 6 in Perrin.

Regarding claim 4, Perrin teaches everything noted above including that the cutter bar 28 is attached to the bottom of the surface of the trunk 14, 16, 18. See Figs. 1 and 6 in Perrin.

Regarding claim 7, Perrin teaches everything noted above including that the trunk 14, 16, 18 and the lid 12 are formed from a unitary piece of paperboard and the front surface of the lid 18 includes first and second pieces of the paperboard as shown in Fig. 1. The front surface of the lid 18 includes the reinforcement panel 40, which is attached to it.

Regarding claim 27, Perrin teaches everything noted above including that the means for reinforcing 40 the dispenser 10 proximate the cutter bar 28. See Fig. 1 in Perrin.

Claims 2 and 6 have been cancelled.

Claims 5, 8-26 and 28-30 have been withdrawn.

Response to Amendment

8. Applicant's arguments filed on 02/04/04 have been fully considered but they are not persuasive. Applicant's argument that Perrin does not teach the registration zone is within a range of 0.01 to 0.05 inches is not persuasive. Perrin teaches that the distance between the valley of the teeth of the cutter bar and the edge of the trunk is approximately same as the registration zone shown in Fig. 10 of the application. In addition, it would have been obvious to a person of ordinary skill in the art to provide Perrin's cutter bar with a registration zone that is sufficient enough of or in the range 0.01 to 0.05 inches in order create a sufficient cutting edge for the dispenser to cut wraps and reduce the chance of

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inadvertent contact of the user's hand with cutting edge of the cutter bar. Applicant's argument that Perrin does not teach that the reinforcement layer is attached to the base or the trunk and reinforces the cutter bar is not persuasive. Perrin teaches a reinforcement layer 40 which is attached to the surface of the trunk 14, 16, 18 and the cutter bar 28 is attached to the trunk or base surface. The trunk surface or the base surface is defined by the surfaces of flaps 14, 16, and 18. Perrin's reinforcement layer and the cutting bar are attached to the trunk or base in the same manner that the reinforcement layer and the cutting bar are attached to the trunk or base in Fig. 3 of the application. See Fig. 3 of the elected species (1-5, and 14). Perrin's reinforcement layer distance from the cutter bar approximately is the same as the distance of the reinforcement layer from the cutter bar in Fig. 3 of the applicant's drawings.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pollard et al. (5,839,634), Okumura (5,135,784), Newby et al. (6,612,473), Bailey (4,549,689), Roccaforte (4,506,816), Taguchi et al. (5,078,311), and Passamoni (6,405,913) teach a wrap dispenser including a reinforcement layer and a cutting bar having a registration

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

June 3, 2004

A handwritten signature in black ink, appearing to read "Allan", with a long, sweeping diagonal stroke extending upwards and to the right.

Allan N. Shoap
Supervisory Patent Examiner
Group 3700